

Exhibit 10

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August 2, 2007

BY FACSIMILE

Ilann M. Maazel, Esq.
Emery Celli Brinckerhoff & Abady LLP
75 Rockefeller Plaza
New York, New York 10019

Re: Amendola v. Bristol-Myers Squibb Company, 07 Civ. 6088 (DLC)

Dear Mr. Maazel:

We write on behalf of the defendant Bristol-Myers Squibb Company (“BMS”) in the above-referenced matter and in response to your letter demanding names and contact information of “all members of the collective action” dated July 24, 2007, your letter and deposition notice dated July 27, 2007, and your first request for the production of documents dated July 30, 2007.

As an initial matter, Rule 26 of the Fed. R. Civ. P. explicitly prohibits any party from seeking discovery from any source before the parties have conferred as required by Rule 26(f). In addition, Judge Cote’s “Individual Practices” clearly state that “the Court will generally schedule a Fed.R.Civ.P. 16(c) conference for a Friday within three months of the filing of the Complaint” and, as you are no doubt well aware, one of the purposes of a Rule 16 conference is to govern the control and scheduling of discovery pursuant to Rule 26.

To date, we have not received any notice of a Rule 16(c) conference, nor have we “conferred” pursuant to Rule 26(f). It is both premature and not in keeping with the spirit of the federal rules on discovery, that you have served three separate discovery requests – all within one week of our filing an Answer – demanding extensive information and documents, and noticing depositions, without any attempt to abide by the federal rules, and all before any initial disclosures pursuant to Rule 26(a) have even been exchanged. In addition, many of your discovery requests raise important issues that will likely need to be addressed by the Court before any further steps can be taken.

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Mr. Ilann M. Maazel, Esq.

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Accordingly, we find it unnecessary to respond to any of your discovery requests at this time. We are, of course, willing to meet and/or confer with regard to the timing of initial disclosures pursuant to Rule 26(a) and the subjects and timing of discovery in general. I understand from my colleague, Josh Alloy, that he spoke to you earlier today regarding this matter, and we will provide you with dates when we are available to confer over the next weeks.

Very truly yours,



Bettina B. Plevan